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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,812	06/05/2007	Hartmut Henkel	9771-015US	4992
22897	7590	03/18/2008		
DEMONT & BREYER, LLC 100 COMMONS WAY, Ste. 250 HOLMDEL, NJ 07733			EXAMINER AMRANY, ADI	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,812	Applicant(s) HENKEL ET AL.	
	Examiner ADI AMRANY	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because the claim recites that the control device is assigned to the first switching device (line 13), but then recited that the control device disconnects the second switching device (lines 17-18). For the purpose of the art rejection of the claim, the control device will be interpreted as being assigned to the second switching device.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 recites the limitation "third output connection" in claim 9. There is insufficient antecedent basis for this limitation in the claim. It is also noted that there is no limitation of a "second" output connection in any of the preceding claims. For the purpose of the art rejection of the claim, the third output connection will be interpreted as an output of the UPS, while the current-limited supply output will be interpreted as the output of the UPS' internal regulator.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Nagai (US 6,057,609).

Nagai discloses a device for supply uninterruptible power (fig 4; col. 5-6) comprising: input connections (nodes a, d) for connection to a primary DC voltage supply device (38; col. 5, lines 46-51); connections for a standby power source (34; col. 5, lines 52-60); output connections (32; col. 6, lines 16-25) ; a device for decoupling the input connections from the first output connections in the event of a fault in the primary DC voltage supply device (33; col. 5, lines 61-67); a first controllable switching device (40) for connecting the standby power source to the first output connections in a controlled manner in the event of a fault in the primary DC voltage supply device; and a control device (36; col. 5, line 61 to col. 6, line 12) assigned to the first controllable switching device wherein, the first controllable switching device has a power transistor (fig 5, item 42), a monitoring device (50a; col. 6, lines 16-25) is provided for the purpose of monitoring the output current flowing through the power transistor, and the control device is designed to pulse-width-modulate (col. 6, lines 1-12) the power transistor on the basis of the current being monitored in order to limit the current when can be provided by the standby power source (col. 3, lines 61-67).

Further, by pulse-width-modulating the output of the standby power source, it is inherent that Nagai limits the current that is provided, since the PWM only allows the standby power source to discharge intermittently.

6. Claims 1, 6-7 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Eng (US 4,745,299).

With respect to claim 1, Eng discloses a device for supply uninterruptible power (fig 4; col. 4) comprising: input connections (404) for connection to a primary DC voltage supply device; connections for a standby power source (451); output connections (411-412) ; a device for decoupling the input connections from the first output connections in the event of a fault in the primary DC voltage supply device (403); a first controllable switching device (453) for connecting the standby power source to the first output connections in a controlled manner in the event of a fault in the primary DC voltage supply device; and a control device (430) assigned to the first controllable switching device wherein, the first controllable switching device has a power transistor (453), a monitoring device (430) is provided for the purpose of monitoring the output current flowing through the power transistor (lines 51-54) the power transistor on the basis of the current being monitored in order to limit the current when can be provided by the standby power source (lines 54-58).

With respect to claim 6, Eng discloses a parallel circuit comprising a diode (unlabeled in fig 4) and a second controllable switching device (403) forms the decoupling device, in that the monitoring device (430) is designed to monitor an input voltage (via transformer 406 at nodes 411-412), and in that the control device disconnects the second controllable switching device if the input voltage signals a fault in the primary DC voltage supply device (col. 2, lines 5-7).

With respect to claim 7, Eng disclose the second switching device is a power transistor (lines 24-26).

With respect to claims 12-13, Eng discloses the UPS device, as discussed above in the rejections of claim 1 and 6-7.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagai.

With respect to claim 2, Nagai discloses that in prior art UPS systems, it is common to have a rechargeable battery (col. 2, lines 29-59). At the time of the invention by applicants, it would have been obvious to one skilled in the art to combine the Nagai UPS of figure 4 with the prior art rechargeable UPS, in order to allow the UPS to operate more than once.

With respect to claim 3, Nagai discloses the device (33) and the power transistor (40) are in series.

With respect to claim 4, it would be obvious to one skilled in the art that the Nagai UPS can supply DC output voltage by including another rectifier (38) at the output (32), because the limitation of a DC output is directed towards the end use of the device and it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8 (CCPA

1977). The Nagai rectifier (38) includes a smoothing capacitor (C8) in order to provide a more stable DC voltage, as is well known in the art.

With respect to claim 5, Nagai discloses the charging device (27) is provided between the chargeable standby source and the input connection. Further, it is inherent that a charging device would be located between the only external power source and the rechargeable battery.

9. Claims 8-11 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eng in view of Stich (US 5,315,533) and Charych (US 4,564,767).

With respect to claim 8, Eng discloses the device for supplying uninterruptible power, as discussed above in the rejection of claim 1. Stich discloses a UPS with a plurality of outputs (fig 1, items 40-42; col. 7, lines 4-25). Eng and Stich are analogous because they are from the same field of endeavor, namely UPS systems. At the time of the invention by applicants, it would have been obvious to one skilled in the art to combine the UPS disclosed in Eng with the parallel outputs disclosed in Stich, in order to supply power to more than one load.

Charych discloses a UPS system wherein the output comprises a regulator (fig 1, item 66; col. 4, lines 35-38). Eng, Stich and Charych are analogous because they are from the same field of endeavor, namely UPS systems. At the time of the invention by applicants, it would have been obvious to one skilled in the art to combine the UPS systems disclosed in Eng and Stich with the regulated output disclosed in Charych, in order to supply continuous regulated power to the loads.

With respect to claim 9, Charych discloses an output regulator, but does not expressly disclose the internal components of the regulator. Eng discloses that the first (453) and second (403) switches act as power regulators. At the time of the invention by applicants, it would have been obvious to one skilled in the art to configure the Charych regulator to comprise Eng power transistors, in order to regulate the level of output power.

With respect to claim 10, Charych discloses a "predefined" contact bridge for short-circuiting the current-limited supply output (output of regulator 66) and the third output connection (dc output bus). As discussed above, Stich discloses supplying a plurality of parallel outputs, including a third output connection.

With respect to claim 11, Eng discloses the switching devices are transistors. At the time of the invention by applicants, it would have been obvious to one skilled in the art to substitute a relay for the transistor, since the components are art recognized equivalents.

With respect to claims 14-18, Eng, Stich and Charych disclose the recited UPS device, as discussed above in the rejections of claims 1 and 8-11.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited in the enclosed list also disclose a UPS system comprises one or more of: a switch to disconnect an input power source, a PWM backup battery, a rechargeable backup battery, parallel diode/transistor switches, input monitoring and output monitoring.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADI AMRANY whose telephone number is (571)272-0415. The examiner can normally be reached on Mon-Thurs, from 10am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571) 272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Sherry/
Supervisory Patent Examiner, Art Unit 2836

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